

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

D Squared Plant Traps LLC,

Plaintiff,

v.

THE PARTNERSHIPS AND
UNINCORPORATED ASSOCIATIONS
IDENTIFIED IN SCHEDULE “A”, ,

Defendants,

Case No.: 1:24-cv-05288

Judge John F. Kness

Magistrate Judge Jeffrey Cole

ANSWER

Defendants, LiuJiaXin, SONSIEN, VGGFDY, WenYunXia, and YFYTRE (hereinafter, collectively as “Defendants” and separately as “Defendant”), by and through their attorneys, J. Zhang and Associates, P.C., as and for its Answer to the Complaint filed in the above-captioned action, state as follows:

JURISDICTION AND VENUE

1. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 1 of the Complaint and thereby deny the same.
2. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 2 of the Complaint and thereby deny the same.

INTRODUCTION

3. Denies each and every allegation in paragraph 3 of the Complaint.
4. Denies each and every allegation in paragraph 4 of the Complaint.

PARTIES

5. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 5 of the Complaint and thereby deny the same.
6. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 6 of the Complaint and thereby deny the same.
7. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 7 of the Complaint and thereby deny the same.
8. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 8 of the Complaint and thereby deny the same.
9. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 9 of the Complaint and thereby deny the same.
10. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 10 of the Complaint and thereby deny the same.
11. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 11 of the Complaint and thereby deny the same.
12. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 12 of the Complaint and thereby deny the same.
13. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 13 of the Complaint and thereby deny the same.
14. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 14 of the Complaint and thereby deny the same.
15. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 15 of the Complaint and thereby deny the same.

16. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 16 of the Complaint and thereby deny the same.

DEFENDANTS

17. Admit that Defendants are residing in the People's Republic of China, and denies the remaining allegation in paragraph 17 of the Complaint.

18. Denies each and every allegation in paragraph 18 of the Complaint.

DEFENDANTS' UNLAWFUL CONDUCT

19. Lack sufficient knowledge and information to admit or deny the allegations set forth in paragraph 19 of the Complaint and thereby deny the same.

20. Denies each and every allegation in paragraph 20 of the Complaint.

21. Denies each and every allegation in paragraph 21 of the Complaint.

22. Denies each and every allegation in paragraph 22 of the Complaint.

23. Denies each and every allegation in paragraph 23 of the Complaint.

24. Denies each and every allegation in paragraph 24 of the Complaint.

25. Denies each and every allegation in paragraph 25 of the Complaint.

26. Denies each and every allegation in paragraph 26 of the Complaint.

27. Denies each and every allegation in paragraph 27 of the Complaint.

28. Denies each and every allegation in paragraph 28 of the Complaint.

29. Denies each and every allegation in paragraph 29 of the Complaint.

30. Denies each and every allegation in paragraph 30 of the Complaint.

As to Count I

COPYRIGHT INFRINGEMENT (17 U.S.C. § 501(a))

31. The Defendants repeat and reallege each and every response set forth in paragraphs 1 through 30 herein-above in response to the allegations set forth in paragraph 31 of the Complaint.
32. Neither admit or deny the allegations set forth in Paragraph 32 of the Complaint and leave Plaintiff to prove.
33. Neither admit or deny the allegations set forth in Paragraph 33 of the Complaint and leave Plaintiff to prove.
34. Denies each and every allegation in paragraph 34 of the Complaint.
35. Denies each and every allegation in paragraph 35 of the Complaint.
36. Denies each and every allegation in paragraph 36 of the Complaint.
37. Denies each and every allegation in paragraph 37 of the Complaint.
38. Denies each and every allegation in paragraph 38 of the Complaint.
39. Neither admit or deny the allegations set forth in Paragraph 39 of the Complaint and leave Plaintiff to prove.
40. Neither admit or deny the allegations set forth in Paragraph 40 of the Complaint and leave Plaintiff to prove.

As to Count II

INFRINGEMENT OF UNITED STATES DESIGN PATENTS (35 U.S.C. § 271)

41. The Defendants repeat and reallege each and every response set forth in paragraphs 1 through 40 herein-above in response to the allegations set forth in paragraph 41 of the Complaint.

42. Neither admit or deny the allegations set forth in Paragraph 42 of the Complaint and leave Plaintiff to prove.

43. Denies each and every allegation in paragraph 43 of the Complaint.

44. Denies each and every allegation in paragraph 44 of the Complaint.

45. Denies each and every allegation in paragraph 45 of the Complaint.

46. Denies each and every allegation in paragraph 46 of the Complaint.

47. Denies each and every allegation in paragraph 47 of the Complaint.

COUNT III

TRADEMARK INFRINGEMENT AND COUNTERFEITING (15 U.S.C. § 1114)

48. The Defendants repeat and reallege each and every response set forth in paragraphs 1 through 47 herein-above in response to the allegations set forth in paragraph 48 of the Complaint.

49. Denies each and every allegation in paragraph 49 of the Complaint.

50. Denies each and every allegation in paragraph 50 of the Complaint.

51. Denies each and every allegation in paragraph 51 of the Complaint.

52. Denies each and every allegation in paragraph 52 of the Complaint.

53. Denies each and every allegation in paragraph 53 of the Complaint.

54. Denies each and every allegation in paragraph 54 of the Complaint.

COUNT IV

FALSE DESIGNATION OF ORIGIN (15 U.S.C. § 1125)

55. The Defendants repeat and reallege each and every response set forth in paragraphs 1 through 454 herein-above in response to the allegations set forth in paragraph 55 of the Complaint.

56. Denies each and every allegation in paragraph 56 of the Complaint.

57. Denies each and every allegation in paragraph 57 of the Complaint.

58. Denies each and every allegation in paragraph 58 of the Complaint.

59. Denies each and every allegation in paragraph 59 of the Complaint.

60. Denies each and every allegation in paragraph 60 of the Complaint.

61. Denies each and every allegation in paragraph 61 of the Complaint.

62. Denies each and every allegation in paragraph 62 of the Complaint.

63. Denies each and every allegation in paragraph 63 of the Complaint.

COUNT V

VIOLATION OF ILLINOIS UNIFORM DECEPTIVE TRADE PRACTICES ACT (815

ILCS § 510/2)

64. The Defendants repeat and reallege each and every response set forth in paragraphs 1 through 63 herein-above in response to the allegations set forth in paragraph 64 of the Complaint.

65. Denies each and every allegation in paragraph 65 of the Complaint.

66. Denies each and every allegation in paragraph 66 of the Complaint.

67. Denies each and every allegation in paragraph 67 of the Complaint.

COUNT VI

CIVIL CONSPIRACY

68. The answering Defendants repeat and reallege each and every response set forth in paragraphs 1 through 67 herein-above in response to the allegations set forth in paragraph 68 of the Complaint.

69. Denies each and every allegation in paragraph 69 of the Complaint.

70. Denies each and every allegation in paragraph 70 of the Complaint.

71. Denies each and every allegation in paragraph 71 of the Complaint.

72. Denies each and every allegation in paragraph 72 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

73. Plaintiff fails to state a claim against Defendants on which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

74. Defendants have not infringed any applicable trademarks, copyrights, patents, or similar rights (if any) under either the applicable federal or state laws.

THIRD AFFIRMATIVE DEFENSE

75. The claims set forth in the Complaint are barred, in whole or in part, because Defendants are not liable for the acts of others over whom it has no control..

FOURTH AFFIRMATIVE DEFENSE

76. The trademark infringement claims set forth in the Complaint are barred, in whole or in part, by the doctrine of descriptive fair use.

FIFTH AFFIRMATIVE DEFENSE

77. Plaintiff has unclean hands.

SIXTH AFFIRMATIVE DEFENSE

78. Plaintiff's claims for relief are barred by the "Fair Use Doctrine" pursuant to Section 107 of the Copyright Act, 17 U.S.C. §107.

SEVENTH AFFIRMATIVE DEFENSE

79. The copyright claims made in the Complaint are barred, in whole or in part, via Plaintiff's misuse of the copyright to secure an exclusive right or limited monopoly not granted by the Copyright Act.

EIGHTH AFFIRMATIVE DEFENSE

80. Plaintiff's action is barred by the doctrine of equitable estoppel.

NINTH AFFIRMATIVE DEFENSE

81. Defendants' conduct was innocent, non-infringing, and not a willful infringement of trademark, copyright and patent.

TENTH AFFIRMATIVE DEFENSE

82. One or more of the Patents-in-Suit are invalid and/or unenforceable for failing to meet the requirements of 35 U.S.C. §§101, 102, 103, and/or 112.

ELEVENTH AFFIRMATIVE DEFENSE

83. By reason of the proceedings in the U.S. Patent and Trademark Office during the prosecution of the applications which resulted in the issuance of the Patents-in-Suit, as shown by the respective patent file histories and the contents thereof, prosecution history or judicial estoppel applies to one or more claims of the Patents-in-Suit, thereby precluding a finding of infringement under the Doctrine of Equivalents.

TWELFTH AFFIRMATIVE DEFENSE

84. Defendants reserve the right to amend these separate affirmative defenses upon the completion of appropriate investigation and discovery

WHEREFORE, based upon the foregoing, Defendants pray for an Order be entered:

- A. Dismissing each of the claims, and relief requested, in Plaintiff's Complaint in its entirety;
- B. Granting the Defendants costs, attorney's fees and expenses incurred defending this matter; and
- C. Granting the Defendant all other appropriate relief.

Dated: September 16, 2024

Respectfully submitted,

J. ZHANG AND ASSOCIATES, P.C.

*Attorney for Defendants,
LiuJiaXin, SONSIEN, VGGFDY, WenYunXia,
and YFYTRE*

/s/ Jiyuan Zhang

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AFFIRMATION OF SERVICE

I hereby certify that on September 16, 2024, a copy of the foregoing was served on counsel of record and interested parties by electronic means pursuant to the court's Electronic Case Filing (ECF) system.

/s/ Jiyuan Zhang